

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

TWENTY-THIRD DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 18, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Josh Baumann, followed by the Pledge of Allegiance led by Senate page Melissa Wollman.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

SIGNING OF BILLS

The President publicly read the title to

HB 1210: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding on-sale alcoholic beverage licenses for municipal auditoriums and convention halls and to declare an emergency.

And signed the same in the presence of the Senate.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 7, 12, 13, 15, 27, 28, 85, and 103 and finds the same correctly enrolled.

Respectfully submitted,
Gary Cammack, Chair

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration SB 16 and returns the same with the recommendation that said bill be amended as follows:

16ga

On page 1, line 5, of the printed bill, overstrike "certificate of inspection" and insert "license".

On page 1, line 6, overstrike ", whose nursery stock has been".

On page 1, line 7, overstrike everything before ".".

On page 1, line 8, overstrike "inspection and certification" and insert "license"

On page 1, line 9, delete "three hundred fifteen" and insert "two hundred".

On page 1, line 13, delete everything after "~~seventy-five~~" and insert "forty-two dollars and fifty cents plus ~~ten~~ five dollars for".

On page 2, line 2, delete "one hundred fifteen" and insert "seventy".

1 On page 2, line 4, delete "one hundred eighty" and insert "one hundred fifteen".

2 On page 2, line 7, delete "three hundred fifteen" and insert "two hundred".

3 On page 2, delete lines 8 to 15, inclusive, and insert:

4 " Section 2. The department may issue a certificate of inspection to any nurseryman or dealer
5 whose nursery stock has been officially inspected and found to be viable and free from pests.
6 The inspection fee shall be two hundred and fifteen dollars per inspection.".

7 16na

8 On page 2 of the printed bill, delete lines 16 to 18, inclusive.

9 16nta

10 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "establish
11 a fee for a nursery license and to increase fees for nursery inspection.".

12 On page 1, delete line 2.

13 And that as so amended said bill do pass.

14 Respectfully submitted,
15 Deb Peters, Co-Chair

16 Also MR. PRESIDENT:

17 The Senate Committee on Appropriations respectfully reports that it has had under
18 consideration HB 1207 and returns the same with the recommendation that said bill do pass and
19 be placed on the consent calendar.

20 Also MR. PRESIDENT:

21 The Senate Committee on Appropriations respectfully reports that it has had under
22 consideration HB 1208 and returns the same with the recommendation that said bill be amended
23 as follows:

24 1208fa

25 On page 2, line 5, of the House engrossed bill, after "Act" insert "as Lots 2, 3, 7, 9, 10, 11,
26 12, and 13,".

22 The Committee on Agriculture and Natural Resources respectfully reports that it has had
23 under consideration the nomination of Wanda J. Blair of Meade County, Vale, South Dakota,
24 to the State Brand Board and returns the same with the recommendation that the Senate advise
25 and consent to the confirmation of said reappointment and that said reappointment be placed
26 on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1054 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Gary Cammack, Chair

6 Also MR. PRESIDENT:

7 The Committee on Commerce and Energy respectfully reports that it has had under
8 consideration HB 1187 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on Commerce and Energy respectfully reports that it has had under
11 consideration HB 1090 and returns the same with the recommendation that said bill do pass and
12 be placed on the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Commerce and Energy respectfully reports that it has had under
15 consideration SB 115 which was tabled.

16 Respectfully submitted,
17 R. Blake Curd, Chair

18 Also MR. PRESIDENT:

19 The Committee on Education respectfully reports that it has had under consideration
20 HB 1136 and returns the same with the recommendation that said bill do pass.

21 Also MR. PRESIDENT:

22 The Committee on Education respectfully reports that it has had under consideration SB 69
23 and returns the same with the recommendation that said bill be amended as follows:

24 69fa

25 On page 1, after line 11 of the printed bill, insert:

26 "

1 Section 2. Whereas, this Act is necessary for the support of the state government and its
2 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
3 full force and effect from and after its passage and approval.".

4 69fta

5 On page 1, line 2, of the printed bill, after "summer" insert " and to declare an emergency".

6 And that as so amended said bill do pass.

7 Also MR. PRESIDENT:

8 The Committee on Education respectfully reports that it has had under consideration the
9 nomination of Susan Aguilar of Minnehaha County, Sioux Falls, South Dakota, to the
10 South Dakota Board of Education and returns the same with the recommendation that the Senate
11 advise and consent to the confirmation of said appointment and said appointment be placed on
12 the consent calendar.

13 Also MR. PRESIDENT:

14 The Committee on Education respectfully reports that it has had under consideration the
15 nomination of Scott Herman of Todd County, Mission, South Dakota, to the South Dakota
16 Board of Education and returns the same with the recommendation that the Senate advise and
17 consent to the confirmation of said appointment and said appointment be placed on the consent
18 calendar.

19 Also MR. PRESIDENT:

20 The Committee on Education respectfully reports that it has had under consideration the
21 nomination of James Morgan of Brookings County, Brookings, South Dakota, to the State
22 Board of Regents and returns the same with the recommendation that the Senate advise and
23 consent to the confirmation of said appointment and said appointment be placed on the consent
24 calendar.

25 Also MR. PRESIDENT:

26 The Committee on Education respectfully reports that it has had under consideration the
27 nomination of Robert J. Wilson of Larimer County, Fort Collins, Colorado, to the South Dakota
28 Science and Technology Authority and returns the same with the recommendation that the
29 Senate advise and consent to the confirmation of said appointment and said appointment be
30 placed on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration the
3 nomination of Terry Sabers of Davison County, Mitchell, South Dakota, to the South Dakota
4 Board of Education and returns the same with the recommendation that the Senate advise and
5 consent to the confirmation of said reappointment and said reappointment be placed on the
6 consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Education respectfully reports that it has had under consideration the
9 nomination of Randy Schaefer of Lake County, Madison, South Dakota, to the State Board of
10 Regents and returns the same with the recommendation that the Senate advise and consent to
11 the confirmation of said reappointment and said reappointment be placed on the consent
12 calendar.

13 Also MR. PRESIDENT:

14 The Committee on Education respectfully reports that it has had under consideration the
15 nomination of Dr. Ani Aprahamian of Notre Dame, Indiana, to the South Dakota Science and
16 Technology Authority and returns the same with the recommendation that the Senate advise and
17 consent to the confirmation of said reappointment and said reappointment be placed on the
18 consent calendar.

19 Also MR. PRESIDENT:

20 The Committee on Education respectfully reports that it has had under consideration the
21 nomination of Casey Peterson of Pennington County, Rapid City, South Dakota, to the South
22 Dakota Science and Technology Authority and returns the same with the recommendation that
23 the Senate advise and consent to the confirmation of said reappointment and said reappointment
24 be placed on the consent calendar.

25 Respectfully submitted,
26 Deb Soholt, Chair

27 **MESSAGES FROM THE HOUSE**

28 MR. PRESIDENT:

29 I have the honor to return herewith SB 7, 12, 13, 15, 27, 28, 85, and 103 which have passed
30 the House without change.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HB 1007, 1094, 1141, 1179, 1201, and 1213 which
3 have passed the House and your favorable consideration is respectfully requested.

4 Respectfully,
5 Arlene Kvislen, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 HCR 1013: A CONCURRENT RESOLUTION, Recognizing the positive economic impact
8 sportsmen and sportswomen have in South Dakota.

9 c1013xa

10 Sen. Monroe moved that HCR 1013 be amended as follows:

11 On page 1, line 4, of the printed resolution, delete "women" and insert "sportswomen".

12 On page 2, line 2, delete "women" and insert "sportswomen".

13 On page 2, line 5, delete "women" and insert "sportswomen".

14 On page 2, line 8, delete "women" and insert "sportswomen".

15 On page 3, line 6, delete "women" and insert "sportswomen".

16 Which motion prevailed.

17 Sen. Cammack moved that the Senate do concur in HCR 1013 as found on page 379 of the
18 House Journal and as amended on page 336 of the Senate Journal.

19 The question being on Sen. Cammack's motion that HCR 1013 be concurred in as
20 amended.

21 And the roll being called:

22 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
4 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
5 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van
6 Gerpen; Vehle; White

7 So the motion having received an affirmative vote of a majority of the members-elect, the
8 President declared the motion carried and HCR 1013 was concurred in as amended.

9 The question being on the title.

10 c1013xta

11 Sen. Monroe moved that the title to HCR 1013 be amended as follows:

12 On page 1, line 2, of the printed resolution, delete "women" and insert "sportswomen".

13 Which motion prevailed and the title was so amended.

14 Sen. Cammack moved that SB 153 be referred from the Committee on Health and Human
15 Services to the Senate Committee on Appropriations

16 Which motion prevailed.

17 Sen. Brown moved that SB 159 and HB 1005 be deferred to Friday, February 19th, the 24th
18 legislative day.

19 Which motion prevailed.

20 Sen. Brown moved that when we adjourn today, we adjourn to convene at 1:30 p.m. on
21 Friday, February 19th, the 24th legislative day.

22 Which motion prevailed.

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

24 Sen. Brown moved that the reports of the Standing Committees on

25 State Affairs on SB 106 as found on page 316 of the Senate Journal; also

- 1 State Affairs on SB 143 as found on page 320 of the Senate Journal; also
2 State Affairs on SB 45 as found on page 316 of the Senate Journal; also
3 Transportation on SB 109 as found on page 315 of the Senate Journal be adopted.
4 Which motion prevailed.

5 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

6 HB 1007: FOR AN ACT ENTITLED, An Act to make an appropriation to revise and
7 update the data and methods used to determine the agricultural land production capacity and to
8 declare an emergency.

9 Was read the first time and the President Pro tempore waived the referral to the standing
10 committee pursuant to Joint Rule 6D-1.

11 HB 1094: FOR AN ACT ENTITLED, An Act to increase the commercial fertilizer
12 inspection fee for purposes of fertilizer-related research and education and to create the Nutrient
13 Research and Education Council to promote such research and education.

14 Was read the first time and referred to the Committee on Agriculture and Natural
15 Resources.

16 HB 1141: FOR AN ACT ENTITLED, An Act to license persons offering applied behavior
17 analysis services to the public.

18 Was read the first time and referred to the Committee on Health and Human Services.

19 HB 1179: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 exemption of certain boats from the excise tax on large boats.

21 Was read the first time and referred to the Committee on Taxation.

22 HB 1201: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act
23 for fiscal year 2016, make an appropriation for teen court programs in South Dakota, and to
24 declare an emergency.

25 Was read the first time and the President Pro tempore waived the referral to the standing
26 committee pursuant to Joint Rule 6D-1.

1 HB 1213: FOR AN ACT ENTITLED, An Act to create the new frontiers program to
2 support innovative research by South Dakota companies.

3 Was read the first time and referred to the Committee on Commerce and Energy.

4 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENTS**

5 The Senate proceeded to the consideration of the executive reappointment of
6 Charles M. Turbiville of Lawrence County, Deadwood, South Dakota, to the South Dakota
7 Lottery Commission.

8 The question being "Does the Senate advise and consent to the executive reappointment
9 of Charles M. Turbiville pursuant to the executive message as found on page 239 of the Senate
10 Journal?"

11 And the roll being called:

12 Yeas 34, Nays 0, Excused 1, Absent 0

13 Yeas:

14 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
15 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
16 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
17 Peterson (Jim); Rempelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
18 Vehle; White

19 Excused:

20 Soholt

21 So the question having received an affirmative vote of a majority of the members-elect, the
22 President declared the reappointment confirmed.

23 The Senate proceeded to the consideration of the executive reappointment of Tom Graham
24 of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building Authority.

25 The question being "Does the Senate advise and consent to the executive reappointment
26 of Tom Graham pursuant to the executive message as found on page 241 of the Senate Journal?"

27 And the roll being called:

28 Yeas 34, Nays 0, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
4 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
5 Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
6 Vehle; White

7 Excused:

8 Soholt

9 So the question having received an affirmative vote of a majority of the members-elect, the
10 President declared the reappointment confirmed.

11 SECOND READING OF CONSENT CALENDAR ITEMS

12 SB 116: FOR AN ACT ENTITLED, An Act to remove any reference to land ownership
13 being a requirement for participation in any actions pertaining to the creation of or withdrawal
14 from a water development district.

15 Was read the second time.

16 The question being "Shall SB 116 pass?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
21 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
22 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
23 Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
24 Vehle; White

25 Excused:

26 Soholt

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1183: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
30 jurisdiction of magistrate courts to issue protection orders.

31 Was read the second time.

1 The question being "Shall HB 1183 pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
7 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
8 Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
9 Vehle; White

10 Excused:

11 Soholt

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

15 SB 129: FOR AN ACT ENTITLED, An Act to establish certain suicide awareness and
16 prevention training requirements for certain school employees based on the Jason Flatt Act.

17 Was read the second time.

18 The question being "Shall SB 129 pass as amended?"

19 And the roll being called:

20 Yeas 34, Nays 0, Excused 1, Absent 0

21 Yeas:

22 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
23 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
24 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
25 Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen;
26 Vehle; White

27 Excused:

28 Soholt

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

SB 75: FOR AN ACT ENTITLED, An Act to establish a grant program for adult community residential services designed to reduce the risk of recidivism, to provide a report to the Legislature, to make an appropriation therefor, and declare an emergency.

Was read the second time.

The question being "Shall SB 75 pass as amended?"

And the roll being called:

Yeas 32, Nays 2, Excused 1, Absent 0

Yeas:

Bradford; Brown; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

Nays:

Buhl O'Donnell; Sutton

Excused:

Soholt

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 97: FOR AN ACT ENTITLED, An Act to provide for the automatic removal of all petty offenses, municipal ordinance violations, and Class 2 misdemeanor convictions from background check records after ten years under certain conditions.

Was read the second time.

The question being "Shall SB 97 pass as amended?"

And the roll being called:

Yeas 33, Nays 1, Excused 1, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Nays:

Omdahl

1 Excused:
2 Soholt

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed.

5 The question being on the title.

97jta

7 Sen. Tieszen moved that the title to SB 97 be amended as follows:

8 On page 1, line 2, of the Senate Judiciary Committee engrossed bill, after "misdemeanor"
9 insert "charges or".

10 Which motion prevailed and the title was so amended.

11 SB 140: FOR AN ACT ENTITLED, An Act to eliminate life sentences for defendants
12 under the age of eighteen at the time of the crime.

13 Was read the second time.

14 The question being "Shall SB 140 pass as amended?"

15 And the roll being called:

16 Yeas 23, Nays 11, Excused 1, Absent 0

17 Yeas:

18 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Fiegen; Frerichs; Haverly; Heinert;

19 Hunhoff (Bernie); Novstrup (David); Otten (Ernie); Parsley; Peters; Peterson (Jim);

20 Rampelberg; Rusch; Solano; Sutton; Tidemann; Tieszen; Vehle; White

21 Nays:

22 Ewing; Greenfield (Brock); Haggar (Jenna); Heineman (Phyllis); Holien; Jensen (Phil); Monroe;

23 Olson; Omdahl; Shorma; Van Gerpen

24 Excused:
25 Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

1 SB 132: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
2 education funding.

3 Was read the second time.

4 132cb

5 Sen. Brown moved that SB 132 be amended as follows:

6 On page 4, line 6, of the printed bill, after "programs" insert "that are defined annually and
7 approved by the Legislature".

8 On page 5, line 1, after "programs" insert "that are defined annually and approved by the
9 Legislature".

10 Which motion prevailed.

11 The question being "Shall SB 132 pass as amended?"

12 And the roll being called:

13 Yeas 33, Nays 1, Excused 1, Absent 0

14 Yeas:

15 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar
16 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
17 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
18 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

19 Nays:

20 Bradford

21 Excused:

22 Soholt

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 SB 107: FOR AN ACT ENTITLED, An Act to clarify certain safety zone restrictions on
26 hunting.

27 Was read the second time.

1 107sa

2 Sen. Cammack moved that SB 107 be amended as follows:

3 On page 2 of the printed bill, overstrike lines 3 to 5, inclusive.

4 On page 2, line 6, overstrike "No person" and insert "Only the owner of the occupied
5 dwelling, church, or schoolhouse; the owner of livestock; or a person who has written
6 permission from the owner of the occupied dwelling, church, or schoolhouse, or the owner of
7 the livestock".

8 On page 2, delete line 10, and insert "Neither the person discharging No other person may
9 discharge a firearm at small game ~~nor the small game being shot at may~~".

10 On page 2, line 11, overstrike "be".

11 Which motion prevailed.

12 The question being "Shall SB 107 pass as amended?"

13 And the roll being called:

14 Yeas 33, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
17 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
18 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peterson
19 (Jim); Rempelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
20 White

21 Excused:

22 Peters; Soholt

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

26 HB 1150: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
27 property tax exemption provided to local industrial development corporations.

28 Was read the second time.

1 The question being "Shall HB 1150 pass?"

2 And the roll being called:

3 Yeas 33, Nays 0, Excused 2, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
6 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
7 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
8 Peterson (Jim); Rampelberg; Rusch; Shorma; Solano; Tidemann; Tieszen; Van Gerpen; Vehle;
9 White

10 Excused:

11 Soholt; Sutton

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 There being no objection, the Senate reverted to Order of Business No. 5.

15 **REPORTS OF STANDING COMMITTEES**

16 MR. PRESIDENT:

17 The Committee on Judiciary respectfully reports that it has had under consideration SB 44
18 and returns the same with the recommendation that said bill be amended as follows:

19 44ya

20 On the printed bill, delete everything after the enacting clause and insert:

21 " Section 1. That subdivision (9) of § 22-1-2 be amended to read:

22 (9) "Crime of violence," any of the following crimes or an attempt to commit, or a
23 conspiracy to commit, or a solicitation to commit any of the following crimes:
24 murder, manslaughter, aggravated vehicular homicide, rape, aggravated assault, riot,
25 robbery, burglary in the first degree, arson, kidnapping, felony sexual contact as
26 defined in § 22-22-7, felony child abuse as defined in § 26-10-1, or any other felony
27 in the commission of which the perpetrator used force, or was armed with a
28 dangerous weapon, or used any explosive or destructive device;

29 Section 2. That § 24-15A-32 be amended to read:

24-15A-32. Each inmate sentenced to a penitentiary term, except those under a sentence of life or death, or determined to be ineligible for parole as authorized in § 24-15A-32.1, shall have an initial parole date set by the department. This date shall be calculated by applying the percentage indicated in the following grid to the full term of the inmate's sentence pursuant to § 22-6-1. The following crimes or an attempt to commit, or a conspiracy to commit, or a solicitation to commit, any of the following crimes shall be considered a violent crime for purposes of setting an initial parole date: murder, manslaughter, aggravated vehicular homicide, rape, aggravated assault, riot, robbery, burglary in the first degree or burglary in the second degree if committed before July 1, 2006, arson, kidnapping, felony sexual contact as defined in §§ 22-22-7 and 22-22-19.1, child abuse, felony sexual contact as defined in § 22-22-7.2, felony stalking as defined in §§ 22-19A-2 and 22-19A-3, photographing a child in an obscene act, felony assault as defined in § 22-18-26, felony simple assault as defined in § 22-18-1, commission of a felony while armed as defined in §§ 22-14-12 and 22-14-13.1, discharging a firearm at an occupied structure or motor vehicle as defined in § 22-14-20, discharging a firearm from a moving vehicle as defined in § 22-14-21, criminal pedophilia as defined in § 22-22-30.1, threatening to commit a sexual offense as defined in § 22-22-45, abuse or neglect of a disabled adult as defined in § 22-46-2, and aggravated incest as defined in §§ 22-22A-3 and 22-22A-3.1:

Felony Convictions

Felony Class	First	Second	Third
Nonviolent			
Class 6	.25	.30	.40
Class 5	.25	.35	.40
Class 4	.25	.35	.40
Class 3	.30	.40	.50
Class 2	.30	.40	.50
Class 1	.35	.40	.50
Class C	.35	.40	.50
Violent			
Class 6	.35	.45	.55
Class 5	.40	.50	.60
Class 4	.40	.50	.65
Class 3	.50	.60	.70
Class 2	.50	.65	.75
Class 1	.50	.65	.75
Class C	.50	.65	.75
Class B	1.0	1.0	1.0

1 Class A 1.0 1.0 1.0

2 Each inmate shall serve at least sixty days prior to parole release. Inmates with life sentences
3 are not eligible for parole. An initial parole date through the application of this grid may be
4 applied to a life sentence only after the sentence is commuted to a term of years. A Class A or
5 B felony commuted to a number of years shall be applied to the Class C violent column of the
6 grid. An inmate convicted of a Class A or B felony who was a juvenile at the time of the offense
7 and receives a sentence of less than life shall be applied to the Class C violent column of the
8 grid.

9 Section 3. That chapter 22-16 be amended by adding a NEW SECTION to read:

10 Any person who, while under the influence of alcohol, drugs, or substances in a manner and
11 to a degree prohibited by § 32-23-1, without design to effect death, operates or drives a vehicle
12 of any kind in a reckless manner and thereby causes the death of another person, including an
13 unborn child is guilty of aggravated vehicular homicide.

14 Any person who, while under the influence of alcohol, drugs, or substances in a manner and
15 to a degree prohibited by § 32-23-1, without design to effect death, operates or drives a vehicle
16 of any kind in a negligent manner and that person:

17 (1) Has two or more convictions for a violation of § 32-23-1 occurring within ten years
18 of the date of the violation being charged excluding any period of time during which
19 the person was incarcerated for a previous violation;

20 (2) Has at any time been convicted of a violation of § 22-16-41 or 22-18-36; or

21 (3) Has a .17 percent or more by weight of alcohol in that person's blood as shown by a
22 chemical analysis of that person's breath, blood, or other bodily substance; and

23 thereby causes the death of another person, including an unborn child is guilty of aggravated
24 vehicular homicide.

25 Aggravated vehicular homicide is a Class 2 felony. In addition to any other penalty
26 prescribed by law, the court shall order that the driver license of any person convicted of
27 aggravated vehicular homicide be revoked for period of not less than fifteen years from the date
28 sentence is imposed or ten years from the date of initial release from imprisonment, whichever
29 is later. In the event the person is returned to imprisonment prior to the completion of the period
30 of driver license revocation, time spent imprisoned does not count toward fulfilling the period
31 of revocation.

32 Section 4. That the code be amended by adding a NEW SECTION to read:

33 If conduct constituting an offense under § 22-16-41 or section 3 of this Act also constitutes
34 an offense under another section of this chapter, the defendant may be prosecuted under either
35 section or under both sections. The defendant may be found guilty of one or both offenses but
36 the court shall only enter a judgment of conviction for the greater of the offenses."

1 44yta

2 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "create
3 provisions for aggravated vehicular homicide and classify the crime as a crime of violence.".

4 And that as so amended said bill do pass.

5 Also MR. PRESIDENT:

6 The Committee on Judiciary respectfully reports that it has had under consideration the
7 nomination of Charles P. Schroyer of Hughes County, Pierre, South Dakota, to the Board of
8 Pardons and Paroles and returns the same with the recommendation that the Senate advise and
9 consent to the confirmation of said appointment and said appointment be placed on the consent
10 calendar.

11 Also MR. PRESIDENT:

12 The Committee on Judiciary respectfully reports that it has had under consideration SB 145
13 which was deferred to the 41st Legislative Day.

14 Respectfully submitted,
15 Craig Tieszen, Chair

16 **SIGNING OF BILLS**

17 The President publicly read the title to

18 SB 7: FOR AN ACT ENTITLED, An Act to revise the composition of the state trunk
19 highway system.

20 SB 12: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to sell certain
21 extraneous real property in Brookings County and to deposit the proceeds with the state
22 treasurer to be credited to a fund designated as the real property acquisition and capital
23 improvement fund for South Dakota State University.

24 SB 13: FOR AN ACT ENTITLED, An Act to establish a new retirement benefit structure
25 for certain public employees who are members of the South Dakota Retirement System.

26 SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
27 membership of the South Dakota Investment Council.

28 SB 27: FOR AN ACT ENTITLED, An Act to revise certain personnel requirements for
29 ambulance services and to repeal the hardship exemption.

SB 28: FOR AN ACT ENTITLED, An Act to require meningococcal immunization for school entry.

SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding motorcycle license plates.

SB 103: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to transfer certain real property to South Dakota State University Growth Partnership, Ltd. For research park purposes.

And signed the same in the presence of the Senate.

COMMEMORATIONS

SC 13 Introduced by: Senators Soholt, Buhl O'Donnell, Curd, Fiegen, Heineman (Phyllis), and Peters and Representatives Holmes, Hunt, Langer, Mickelson, Soli, Willadsen, and Zikmund

A LEGISLATIVE COMMEMORATION, Honoring the 2015 and 2016 Washington High School students of Sioux Falls, South Dakota, for their many academic, athletic, and fine arts achievements.

WHEREAS, one hundred twenty-six Washington High School students were recognized as Regent Scholars for academic excellence, ninety-nine students were Presidential Education Award winners, sixty-three students joined the National Honor Society, and Sara Rueschhoff qualified for the National Merit Scholarship Competition. Nine seniors held a perfect 4.0 GPA throughout all four years of high school; and

WHEREAS, sixty-two percent of Washington High School students took at least one semester of an AP class, eleven Washington High School students were recognized as AP Scholars, nine students received AP Scholar with Honor awards, and seven students received AP Scholar with Distinction awards. Sixty-one students were Sioux Falls AP Achievement Award winners. These awards are all given for demonstrating various levels of outstanding college-level achievements; and

WHEREAS, Washington High School students earned the 2015 State Outstanding Student Council Award, four debate students reached national qualification, and seventeen students qualified at a national level with the Distributive Education Clubs of America; and

WHEREAS, Washington High School athletes earned state titles in AA girls basketball, A girls bowling, competitive dance, and 11AAA football; and

1 WHEREAS, two Washington High School students participated in All-State Orchestra, four
2 students were selected for All-State Band, three performed in All-State Jazz Band, twenty
3 students earned places in All-State Chorus, and seven students participated in the South Dakota
4 Honors Choir:

5 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
6 State of South Dakota, that the Legislature honors the 2015 and 2016 Washington High School
7 students for their sports, academic, and fine arts achievements.

8 Sen. Rampelberg moved that the Senate do now adjourn, which motion prevailed and at
9 3:42 p.m. the Senate adjourned.

10
Kay Johnson, Secretary

